



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**James L. Oberstar**  
Chairman

Washington, DC 20515

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Ranking Republican Member

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March 4, 2009

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**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Committee on Transportation and Infrastructure  
**FROM:** Committee on Transportation and Infrastructure Majority Staff  
**SUBJECT:** Committee on Transportation and Infrastructure Markup

**PURPOSE OF MARKUP**

On Thursday, March 5, 2009, at 11:00 a.m., in room 2167 of the Rayburn House Office Building, the Committee on Transportation and Infrastructure is scheduled to mark up H.R. 915, the "FAA Reauthorization Act of 2009"; H.R. 1262, the "Water Quality Investment Act of 2009"; and the Fiscal Year 2010 Budget Views and Estimates of the Committee on Transportation and Infrastructure.

**H.R. 915, THE "FAA REAUTHORIZATION ACT OF 2009"**

**Background**

Funding authorization for the Federal Aviation Administration's ("FAA") programs set forth in "Vision 100 – Century of Aviation Reauthorization Act" ("Vision 100") (P.L. 108-176) will expire on March 31, 2009, as will the authorization of the existing tax and fee structure that provides revenue for the Airport and Airway Trust Fund ("Trust Fund").

**H.R. 915, the "Federal Aviation Administration Reauthorization Act of 2009"**

H.R. 915, the "FAA Reauthorization Act of 2009", provides historic funding levels for the FAA's programs totaling more than \$70 billion between fiscal year ("FY") 2009 and FY 2012, including \$16.2 billion for the Airport Improvement Program ("AIP"); \$13.4 billion for Facilities and Equipment ("F&E"); \$38.9 billion for Operations; and \$1.35 billion for Research, Engineering, and Development ("RE&D").

This legislation applies a four-part approach to the FAA's Air Traffic Control ("ATC") Modernization and Next Generation Air Transportation System ("NextGen"), including more funding, authority, accountability, and oversight. The historic funding levels authorized in H.R. 915 will help accelerate the implementation of NextGen; enable the FAA to make needed repairs and replace existing facilities and equipment; and provide for the implementation of high-priority safety-related systems. This legislation elevates the Director of the Joint Planning and Development Office to the status of Associate Administrator of NextGen within the FAA, reporting directly to the FAA Administrator. An annual report is required on NextGen-related deliverables. This legislation also contains provisions to hold the FAA's vendors accountable for providing safe, quality services for Automatic Dependent Surveillance-Broadcast ("ADS-B") and Flight Service Stations. H.R. 915 authorizes Government Accountability Office, Department of Transportation ("DOT") Inspector General, and National Research Council audits and reports related to NextGen that will help Congress exercise its oversight responsibilities.

H.R. 915 increases the Passenger Facility Charge ("PFC") cap to \$7.00 from \$4.50 to combat inflation and to help airports meet increased capital needs. This legislation also provides significant increases in AIP funding for smaller airports, which are particularly reliant on AIP for capital financing.

The FAA Reauthorization Act of 2009 increases air carrier safety oversight by creating an independent Aviation Safety Whistleblower Investigation Office within the FAA; mandates a two-year "post-service", cooling-off period after FAA inspectors leave the Agency; requires principal supervisory inspectors to be rotated between airline oversight offices every five years; and requires monthly reviews of the Air Transportation Oversight System database to ensure that trends in regulatory compliance are identified and appropriate corrective actions taken. H.R. 915 also increases the number of aviation safety inspectors; and requires foreign repair stations to be inspected twice a year.

This legislation provides \$46 million over four years for runway incursion reduction programs and \$325 million over four years for acquisition and installation of runway status lights. H.R. 915 requires the FAA to contract with the National Academy of Sciences to conduct a study on pilot fatigue, and then to consider the findings of the Academy and update, where appropriate, its regulations with regard to flight time limitations and rest requirements for pilots. H.R. 915 also directs the FAA to initiate long-overdue action to ensure crewmember safety by applying occupational health standards on board aircraft.

H.R. 915 also phases out noisy stage II aircraft over the next five years. It authorizes several environmental pilot programs. The first pilot program is for the development, maturing and certification of continuous lower energy, emissions and noise engine and airframe technology. The second pilot program authorizes six projects at public-use airports to take promising environmental research concepts into the actual airport environment to demonstrate the reduction or mitigation of aviation impacts on noise, air quality or water quality in the airport environment. The third pilot program will design, develop, and test new air traffic flow management technologies to better manage the flow of aircraft on the ground and reduce ground holds and idling times for aircraft with the goal of reducing emissions and increase fuel savings at five public-use airports.

H.R. 915 increases total authorized funding for Essential Air Service ("EAS") each year from \$127 million to \$200 million (including \$50 million derived from overflight fees), and the Small

Community Air Services Development (“SCASD”) program through FY 2012, at the current authorized funding level of \$35 million per year. It also authorizes the Secretary of Transportation (“Secretary”) to incorporate into EAS contracts financial incentives based on specified performance goals and to encourage increased air carrier participation in the EAS program, and to enter into long-term EAS contracts that would provide more stability for participating air carriers.

The FAA Reauthorization Act of 2009 contains many consumer protection provisions. To protect passenger health and safety, H.R. 915 mandates that air carriers and airports submit emergency contingency plans detailing how: (1) airlines and airports will allow passengers to deplane following excessive delays; and (2) air carriers will provide food, water, restroom facilities, cabin ventilation, and medical treatment for passengers aircraft that have been delayed for an extended period of time without terminal access. To expand transparency, H.R. 915 requires the DOT to: publicize and maintain a hotline for consumer complaints, establish an Advisory Committee for Aviation Consumer Protection, and expand investigations of consumer complaints. The Secretary is directed to review, every two years, the adequacy of denied boarding compensation and prohibit the use of voice communications using a mobile phone on scheduled flights.

H.R. 915 also applies a binding dispute resolution process to the FAA and any of its bargaining units should they not reach agreement. This process applies to the ongoing dispute between National Air Traffic Controllers Association (“NATCA”) and the FAA. Specifically, the changes implemented by the FAA on and after July 10, 2005, would be null and void and the parties will be governed by their last mutual agreement. In addition, FAA and NATCA are required to resume negotiations until a new contract is adopted. The provision would allow affected employees to receive “back pay” of any additional salary increase since the last agreed upon contract, and it authorizes \$20 million, subject to appropriation, for this purpose. This legislation also amends the Railway Labor Act (“RLA”) to clarify that employees of an “express carrier” shall only be covered by the RLA if they are employed in a position that is eligible for certification under FAA’s rules, such as mechanics or pilots, and they are actually performing that type of work for the express carrier. All other express carrier employees would be governed by the National Labor Relations Act.

### **Prior Legislative and Oversight Activities**

In 1970, the user-supported Trust Fund was created in the Airport and Airway Development and Revenue Acts of 1970 (P.L. 91-258). In an attempt to ensure that Trust Fund revenues were used primarily to fully fund the FAA’s capital programs, AIP and F&E, rather than FAA operations, Congress passed and amended a series of legislative provisions between 1971 and 2000, ranging from an outright ban on the use of Trust Fund revenues for FAA operations, to setting a legislated cap on the amount of Trust Fund revenues that could be used for operations. Various penalty mechanisms were also established to reduce the cap in proportion to any shortfall in capital funding below the authorized amounts.

In 2000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR 21”) (P.L. 106-181) included two new expenditure guarantees, in the form of points of order. One made it mandatory for Congress to appropriate from the Trust Fund each year an amount equal to the estimated level of Trust Fund revenues for that same year. The second made it mandatory to fully fund AIP and F&E at their authorized levels before considering any bills that provided funding for FAA research or operations. In 2003, these guarantees were extended through

FY 2007 in Vision 100. Since the guarantees took effect in FY 2001, AIP has been nearly fully funded under these provisions; F&E has not been fully funded in recent years.

Consideration of FAA reauthorization in the 110th Congress began with the introduction of the Bush administration's proposal, entitled the "Next Generation Air Transportation System Financing Reform Act of 2007" (H.R. 1356/S. 1076, introduced by request), which recommended a new system for financing aviation costs through direct user fees and increased fuel taxes. Neither the House nor the Senate adopted the Bush administration's proposal. On May 3, 2007, the Senate introduced its version of the reauthorization bill, S. 1300, the "Aviation Investment and Modernization Act of 2007". On May 16, 2007, the Senate Committee on Commerce, Science, and Transportation reported the bill favorably to the Senate. The Senate did not complete consideration of its FAA authorization bill.

The House Subcommittee on Aviation held six hearings on FAA reauthorization in early 2007. The first hearing (March 14, 2007) focused on the Administration's proposal. The second hearing (March 21, 2007) dealt with FAA's financing proposal. The third hearing (March 22, 2007) explored operational and safety programs at the FAA. The fourth hearing (March 28, 2007) focused on AIP needs. The fifth hearing (April 25, 2007) reviewed the EAS and SCASD Programs. The sixth and final hearing (May 9, 2007) focused on NextGen. On June 27, 2007, Chairman James L. Oberstar introduced H.R. 2881, the "FAA Reauthorization Act of 2007". On September 17, 2007, the Committee reported the bill, as amended, favorably to the House. On September 20, 2007, the House passed H.R. 2881 by a vote of 267 to 151.

In the 111<sup>th</sup> Congress, on February 9, 2009, Chairman James L. Oberstar introduced H.R. 915, the "FAA Reauthorization Act of 2009". This legislation is based on H.R. 2881, as passed by the House in the 110<sup>th</sup> Congress, and includes some minor changes. On February 11, 2009, the Aviation Subcommittee held a hearing on H.R. 915, the "FAA Reauthorization Act of 2009".

### **Amendments**

Chairman James L. Oberstar will offer a manager's amendment to the bill.

Specific information on other amendments is not available at this time.

## H.R. 1262, THE "WATER QUALITY INVESTMENT ACT OF 2009"

### Background

#### Wastewater Infrastructure Needs

The Committee on Transportation and Infrastructure has jurisdiction over water quality and wastewater infrastructure programs administered by the Environmental Protection Agency ("EPA") under the Federal Water Pollution Control Act, commonly known as the Clean Water Act. Title VI of the Clean Water Act provides for the establishment and capitalization of Clean Water State Revolving Funds ("Clean Water SRF") to aid in funding the construction of publicly owned wastewater treatment works and other wastewater infrastructure around the nation.

To a great extent, improvements in water quality since the passage of the 1972 Clean Water Act have resulted from a significant investment in wastewater infrastructure improvements throughout the country. Since 1972, the Federal government has provided more than \$82 billion for wastewater infrastructure and other assistance, which has dramatically increased the number of Americans enjoying better water quality and improved the health of the economy and the environment. During the same time period, overall investment in the nation's wastewater infrastructure – from Federal, State, and local sources – has been more than \$250 billion.

Today, the nationwide system of wastewater infrastructure includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers.

However, the challenge to continue progress in meeting the fishable and swimmable goals of Clean Water Act remains, as our existing national wastewater infrastructure is aging, deteriorating, and in need of repair, replacement, or upgrading. In 2000, EPA reported that without continued improvement in wastewater treatment infrastructure, we face the very real risk of losing the environmental gains we have achieved over the last three decades. Our \$250 billion investment in wastewater infrastructure is at risk, as is the \$300 billion per year in economic activity that relies on clean water.

#### Water Quality Financing

H.R. 1262, the "Water Quality Investment Act of 2009", is aimed at renewing the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure, and closing the approximately \$3.2 billion to \$11.1 billion annual gap that exists between wastewater infrastructure needs and current levels of spending. To achieve this goal, H.R. 1262 seeks to increase investment in wastewater infrastructure, to reduce the cost of constructing and maintaining that infrastructure, and to promote energy- and water-efficiency improvements to publicly owned treatment works to reduce the potential long-term operation and maintenance costs of the facility.

Title I of H.R. 1262 authorizes \$13.8 billion in Federal grants over five years to capitalize Clean Water State Revolving Funds. These funds provide low-interest loans and additional loan subsidizations (e.g., principal forgiveness and negative-interest loans) to communities for wastewater infrastructure.

### Alternative Water Source Projects

In recent years, there has been increasing interest in ensuring the availability of water sources to meet future water supply needs. Growth in population and increasing environmental awareness are causing many communities to explore alternative water supplies through reclamation, reuse, and conservation. While the construction grants program, and its successor, the Clean Water State Revolving Funds program have been available for such activities, most expenditures to date have been for more traditional wastewater projects, and not for enhancing water supplies through wastewater reuse and water recycling.

In 2000, Congress amended the Clean Water Act to add section 220. Title VI of P.L. 106-457. Section 220 authorized appropriations of \$75 million for fiscal years 2002 through 2004 for EPA to make grants for alternative water source projects to develop or provide water for municipal and industrial or agricultural uses in areas that are experiencing critical water supply needs. Projects undertaken through this authority would be cost shared, with a non-Federal cost of 50 percent. This authorization has expired.

On January 27, 2009, Representative Jerry McNerney introduced H.R. 700, the “Healthy Communities Water Supply Act of 2009”. This legislation is modeled after H.R. 700, the “Healthy Communities Water Supply Act of 2007”, as introduced in the 110th Congress, which passed the House of Representatives on March 8, 2007. The text of H.R. 700 is incorporated as Title II of H.R. 1262. Title II authorizes \$250 million over five years for section 220 of the Clean Water Act for EPA grants for alternative water source projects.

### Sewer Overflow Control Grants

On February 4, 2009, Representative Bill Pascrell, Jr., introduced H.R. 895, the “Water Quality Investment Act of 2009”. This legislation, which is incorporated as Title III of H.R. 1262, authorizes appropriations for sewer overflow control grants. This legislation is modeled after H.R. 569, the “Water Quality Investment Act of 2007”, introduced in the 110<sup>th</sup> Congress, which passed the House of Representatives on March 7, 2007.

The purpose of this title is to reauthorize appropriations for section 221 of the Clean Water Act, which authorizes appropriations for grants to municipalities and states to control combined sewer overflows (“CSOs”) and sanitary sewer overflows (“SSOs”).

CSOs and SSOs are overflows of untreated waste that can occur during wet weather episodes as a result of poor maintenance, deteriorating infrastructure, infiltration and inflow, and inadequate capacity, among other factors. CSOs and SSOs present significant public health and safety concerns because raw sewage can overflow into rivers, lakes, streets, and basements, adversely affecting public health and the environment.

Combined sewers are found in 33 States across the U.S. and the District of Columbia. The majority of combined sewers are located in communities in the Northeast or Great Lakes regions – where much of the oldest water infrastructure in the nation is found. However, combined sewer overflows have also occurred in the West, including the States of Washington, Oregon, and California. To eliminate combined sewer overflows, communities must redesign their sewer systems to separate sewage flows from stormwater flows or provide significant additional capacity to

eliminate the possibility that combined flows will exceed the limits of the infrastructure. Either way, this will be a massive undertaking – estimated by EPA to cost more than \$50 billion.

Title III of H.R. 1262 amends section 221 of the Act to authorize \$1.8 billion over five years of grant funding to address CSOs and SSOs. Title III also make other changes to section 221 to update the authority, to require the Administrator of EPA to develop an allocation formula for distribution of CSO/SSO grants to States based on the total CSO/SSO needs of the States, and to allow for the Administrator to make such grants directly to municipalities and municipal entities.

#### Monitoring, Reporting, and Public Notification of Sewer Overflows

Sewer overflows, whether from combined sewer systems or sanitary sewer systems, can pose significant environmental impacts, and cause or contribute to human health impacts.

States have identified CSOs and SSOs as the direct or a contributing cause of documented environmental impacts, including aquatic life impairments, fish kills, and shellfish bed closures. In addition, CSOs and SSOs often contain toxic and other pollutants, including microbial pathogens (e.g., bacteria, viruses, and parasites) that cause or contribute to human health impacts, such as vomiting, diarrhea, respiratory infections, fever, and, in rare cases, death. Although the potential for human exposure can come in many forms, EPA and public drinking water agencies have expressed specific concern about the potential for direct contamination of public drinking water sources from sewer overflows.

The most reliable way to prevent human illness from waterborne diseases and pathogens is to eliminate the potential for human exposure to the discharge of pollutants from CSOs and SSOs. This can occur either through the elimination of the discharge, or, in the event that a release does occur, to minimize the potential human contact to pollutants. Currently, Federal law does not provide uniform, national standards for public notification of combined and sanitary sewer overflows. Public notification of sewer overflows is governed by a variety of Federal regulations, state laws, and local initiatives aimed at limiting human exposure to discharges.

Over the past decade, EPA has taken several administrative steps to encourage local governmental agencies, including sewerage agencies, to report sewer overflows to Federal and state agencies and the public.

In April 1994, EPA issued the Combined Sewer Overflow Control Policy – a national framework for control of CSOs through the Clean Water Act's permitting program. This policy requires owners and operators of combined sewer systems to implement minimum technology-based controls (the "nine minimum controls") that can reduce the prevalence and impacts of CSOs without significant engineering studies or major construction. These controls include a requirement for the public disclosure of CSOs. The policy does not require any particular methodology for notification, but identifies potential methods, including posting appropriate notices in affected use areas or public places, newspaper, radio, or television news programs, and direct mail contact for affected residents. The requirements of the control policy are limited to CSOs.<sup>1</sup>

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<sup>1</sup>In 2001, the Clean Water Act was amended to require that permits for combined sewer systems conform to the Combined Sewer Overflow Control Policy. Section 402(q) of the Clean Water Act requires that each permit issued for a

For SSOs, there is no Federal requirement for public notification. However, in January 2001, EPA issued a proposed rule regarding SSOs that, among other issues, would have implemented a program for reporting, public notification, and recordkeeping for sanitary sewer systems and SSOs. The proposed rule would have required owners and operators of sanitary sewer systems to develop an overflow emergency plan describing how the owner/operator would immediately notify the public, public health agencies, and other similar entities (e.g., drinking water suppliers and beach monitoring authorities), of overflows that may imminently and substantially endanger human health.

In addition, the proposed SSO rule would have required owners/operators to provide the appropriate Federal or state agencies with information on the magnitude, duration, and suspected cause of the overflow, as well as actions necessary to avoid future overflows. EPA's proposed SSO rule was subsequently withdrawn. EPA has not issued any additional regulatory proposals for public notification of SSOs.

On January 28, 2009, Representative Timothy H. Bishop introduced H.R. 753, the "Sewage Overflow Community Right-To-Know Act". This legislation, which is incorporated as Title IV of H.R. 1262, amends the Clean Water Act to provide a uniform, national standard for public notification of both combined sewer overflows and sanitary sewer overflows. This title is modeled after H.R. 2452, the Sewage Overflow Community Right-To-Know Act (110th Congress), which passed the House of Representatives on June 23, 2008.

Title IV of H.R. 1262 requires owners and operators of publicly owned treatment works to provide timely notification to Federal and state agencies, public health officials, and the public of sewer overflows. Specifically, this legislation requires municipalities, as part of their Clean Water permit, to develop and implement methodologies or technologies to alert the treatment works in the event of a sewer overflow, to notify the public in any area where the overflow has the potential to affect public health, to immediately notify public health authorities and other affected entities (including public water systems) of overflows that may imminently and substantially endanger human health, and to provide the appropriate Federal and state agencies with information on the magnitude, duration, and suspected cause of the overflow, as well as actions necessary to avoid future overflows.

#### Great Lakes Legacy Reauthorization

In the 110<sup>th</sup> Congress, Representative Vernon J. Ehlers introduced H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008", to reauthorize appropriations for the cleanup of contaminated sediments in the Great Lakes Areas of Concern. This legislation would have authorized \$150 million annually for each of fiscal years 2009 through 2013 for projects to address sediment contamination in the Great Lakes Areas of Concern. This significant funding increase was intended to accelerate the cleanup of sites within the Areas of Concern, and if fully appropriated, has the potential to delist all of the U.S. Areas of Concern within the next decade.

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discharge from a municipal combined sewer system conform to the Combined Sewer Overflow Control Policy. This provision was included as part of the Consolidated Appropriations Act, 2001 (Pub. L. 106-554).

Although H.R. 6460 was, eventually, signed into law (P.L. 110-365), the authorization of appropriations contained in the enacted text was reduced to \$50 million for each of the fiscal years 2009 and 2010.

Title V of H.R. 1262 increases the authorization of appropriations for eligible projects to address contaminated sediment in the Great Lakes Areas of Concern to \$150 million for each of the fiscal years 2010 through 2014, consistent with the authorization of appropriations contained in the House-passed version of H.R. 6460 from the 110th Congress.

### **H.R. 1262, the “Water Quality Investment Act of 2009”**

H.R. 1262, the “Water Quality Investment Act of 2009”, renews the Federal commitment to addressing our nation’s substantial needs for wastewater infrastructure by investing **\$18.7 billion** over five years in wastewater infrastructure and other efforts to improve water quality. H.R. 1262 increases investment in wastewater infrastructure, reduces the cost of constructing and maintaining that infrastructure, and promotes energy- and water-efficiency improvements to publicly owned treatment works to reduce the potential long-term operation and maintenance costs of the facility.

Specifically, H.R. 1262:

- Authorizes \$13.8 billion in Federal grants over five years to capitalize Clean Water State Revolving Funds (“Clean Water SRFs”). These funds provide low-interest loans and additional loan subsidizations (e.g., principal forgiveness and negative interest loans) to communities for wastewater infrastructure.
- Renews and enhances the requirement that contractors on treatment works projects constructed with any assistance from the Clean Water SRFs will be paid not less than prevailing wages, as determined under the Davis-Bacon Act.
- Re-establishes and enhances the applicability of the Buy America provisions for the construction of treatment works projects funded pursuant to the Clean Water Act.
- Provides additional subsidies, including principal forgiveness and negative interest loans, for communities that meet a state’s affordability criteria, for individual ratepayers that will experience significant hardship from potential rate increases, and for projects that will achieve water-efficiency goals, energy-efficiency goals, stormwater runoff mitigation, or environmentally sensitive project planning, design, and construction.
- Authorizes extended repayment periods (up to 30 years).
- Authorizes technical assistance to rural and small communities to assist them in gaining access to financing wastewater infrastructure.
- Authorizes grants to owners and operators of treatment works to conduct energy and water audits of local treatment operations, and to evaluate opportunities for energy and water conservation.

- Encourages communities to consider alternative and innovative processes, materials, and technologies (including “green infrastructure”) that maximize the potential for efficient water use, reuse, and conservation, and energy conservation.
- Encourages long-term asset management planning and financing that will ensure sustainable systems and the potential to reduce overall capital and operation and maintenance costs.
- Establishes water quality benefits as the primary criterion for determining which projects receive funding, and encourages watershed approaches to solving water quality problems, as well as traditional infrastructure improvements
- Authorizes \$250 million over five years for alternative water sources projects under section 220 of the Clean Water Act.
- Authorizes \$1.8 billion over five years for sewer overflow control grants under section 221 of the Clean Water Act.
- Requires owners and operators of publicly owned treatment works to monitor for, and provide timely notification of sewer overflows to Federal and state agencies, public health officials, and the public.
- Authorizes \$750 million over five years for projects to remediate contaminated sediment in the Great Lakes Areas of Concern.

#### **Prior Legislative and Oversight Activity**

In prior Congresses, the Subcommittee on Water Resources and Environment has held numerous hearings on the nation’s wastewater infrastructure needs, the importance of a renewed commitment to addressing these needs, and the need for public notification of sewer overflows. On March 28, 2001, the Subcommittee held a hearing, entitled “Water Infrastructure Needs”. On March 19, 2003, the Subcommittee held a hearing, entitled “Meeting the Nation’s Wastewater Infrastructure Needs”. On April 28, 2004, the Subcommittee held a hearing, entitled “Aging Water Supply Infrastructure”. On June 8 and 14, 2005, the Subcommittee held a series of hearings, entitled “Financing Water Infrastructure Projects”. On January 19, 2007, the Subcommittee held a hearing, entitled “The Need for Renewed Investment in Clean Water Infrastructure”. On October 16, 2007, the Subcommittee held a hearing, entitled the “Raw Sewage Overflow Community Right to Know Act”. On May 21, 2008, the Subcommittee held a hearing, entitled “Reauthorization of the Great Lakes Legacy Act”.

In the 111<sup>th</sup> Congress, on February 4, 2009, the Subcommittee held a hearing, entitled “Sustainable Wastewater Management” to examine potential opportunities to improve the overall energy- and water-efficient of publicly owned treatment works.

On March 3, 2009, Chairman James L. Oberstar introduced H.R. 1262, the “Water Quality Investment Act of 2009”. On March 4, 2009, the Subcommittee on Water Resources and Environment met in open session to consider H.R. 1262 and recommended the bill favorably to the Committee on Transportation and Infrastructure.

In prior Congresses, the Committee has developed and considered numerous bills to authorize appropriations for the Clean Water State Revolving Fund.

In the 107<sup>th</sup> Congress, Representative John J. Duncan, Jr., introduced H.R. 3930, the “Water Quality Financing Act of 2002”, on March 12, 2002. On March 13, 2002, the Subcommittee held a legislative hearing on H.R. 3930. On March 20, 2002, the Committee on Transportation and Infrastructure met in open session, and ordered H.R. 3930 reported, as amended, to the House by voice vote. No further action was taken in this bill.

In the 108<sup>th</sup> Congress, Representative John J. Duncan, Jr., introduced H.R. 1560, the “Water Quality Financing Act of 2003”, on April 2, 2003. This bill was largely based on H.R. 3930 from the 107<sup>th</sup> Congress. On July 17, 2003, the Subcommittee on Water Resources and Environment met in open session, and recommended H.R. 1560, as amended, favorably to the Committee on Transportation and Infrastructure by voice vote. No further action was taken on this bill.

In the 110<sup>th</sup> Congress, Representative Bill Pascrell, Jr., introduced H.R. 569, the “Water Quality Investment Act of 2007”, on January 18, 2007. On January 31, 2007, the Subcommittee on Water Resources and Environment met in open session to consider H.R. 569, and recommended the bill, as amended, favorably to the Committee on Transportation and Infrastructure by voice vote. On February 16, 2007, the Committee reported H.R. 569, as amended, favorably to House. H. Rept. 110-16. On March 7, 2007, the House passed H.R. 569, as amended, by a recorded vote of 367-58. Roll no. 125. No further action was taken on this bill.

On January 29, 2007, Representative Jerry McNerney introduced H.R. 700, the “Healthy Communities Water Supply Act of 2007”. On January 31, 2007, the Subcommittee on Water Resources and Environment met in open session to consider H.R. 700, and recommended the bill, as amended, favorably to the Committee on Transportation and Infrastructure by voice vote. On February 16, 2007, the Committee reported H.R. 700, as amended, favorably to House. H. Rept. 110-15. On March 8, 2007, the House passed H.R. 700, as amended, by a recorded vote of 368-59. Roll no. 130. No further action was taken on this bill.

On January 30, 2007, Chairman James L. Oberstar introduced H.R. 720, the “Water Quality Financing Act of 2007”. On January 31, 2007, the Subcommittee on Water Resources and Environment met in open session to consider H.R. 720, and recommended the bill, as amended, favorably to the Committee on Transportation and Infrastructure by voice vote. On February 7, 2007, the Committee on Transportation and Infrastructure ordered H.R. 720, as amended, reported favorably to the House by a recorded vote of 55-13. On March 5, 2007, the Committee reported H.R. 720, as amended, favorably to the House. H. Rept. 110-30. On March 9, 2007, the House passed H.R. 720, as amended, by a recorded vote of 303-108. Roll no. 135. No further action was taken on this bill.

On May 23, 2007, Representative Timothy H. Bishop introduced H.R. 2452, the “Sewage Overflow Community Right-to-Know Act”. On May 7, 2008, the Subcommittee on Water Resources and Environment met in open session to consider H.R. 2452, and recommended the bill, as amended, favorably to the Committee on Transportation and Infrastructure. On June 19, 2008, the Committee reported H.R. 2452, as amended, favorably to the House. H. Rept. 110-723. On

June 24, 2008, the House passed H.R. 2452, as amended, by voice vote under suspension of the Rules of the House. No further action was taken on this bill.

On July 10, 2008, Representative Vernon J. Ehlers introduced H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008". On July 31, 2008, the Committee on Transportation and Infrastructure met in open session to consider H.R. 6460, and adopted an amendment in the nature of a substitute, by voice vote, that made several technical changes to the bill. On September 15, 2008, the Committee reported H.R. 6460, as amended, favorably to the House. H. Rept. 110-849 Part I. On September 18, 2008, the House passed H.R. 6460, as amended, by a recorded vote of 371-20. Roll no. 615. On September 25, 2008, the Senate passed H.R. 6460, with an amendment, by Unanimous Consent. On September 28, 2008, the House agreed to the Senate Amendment to H.R. 6460, by a recorded vote of 411-9, clearing the bill for the President of the United States. Roll no. 665. On October 8, 2008, the President signed the bill into law. P.L. 110-365.

### **Amendments**

Amendments may be offered to strike or alter the Davis-Bacon prevailing wage requirements included in the bill.

Specific information on amendments is not available at this time.

**FISCAL YEAR 2010 BUDGET VIEWS AND ESTIMATES OF THE COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE**

**Background**

Under section 301(d) of the Congressional Budget Act and clause 4(f)(1) of the Rules of the House of Representatives, each legislative committee is required to submit to the Committee on the Budget views and estimates on the forthcoming budget. In general, the Views and Estimates of the Committee on Transportation and Infrastructure for fiscal year 2010 ("Views and Estimates") urge that programs within the jurisdiction of the Committee be funded at the authorized funding levels in fiscal year 2010.

**Views and Estimates of the Committee on Transportation for FY 2010**

The Views and Estimates state that:

- The Committee's legislative priorities this year include authorization of surface transportation programs; reauthorization of the Federal Aviation Administration (FAA), selected provisions of the Clean Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the Coast Guard, and the Federal Emergency Management Agency (FEMA); and consideration of a water resources development act.
- The Committee urges that the Congressional Budget Resolution meet the important funding needs identified by the Committee, to improve our nation's infrastructure and transportation safety and ensure that vital services are maintained.
- The Committee is encouraged that the President's Budget requests \$5 billion over the next five years for high-speed rail grants to States, and nearly quadruples the Federal commitment to restoring and maintaining the nation's water quality to \$2.4 billion in fiscal year 2010. The Committee urges that the Congressional Budget Resolution meet these important funding priorities.
- The Committee urges that the Congressional Budget Resolution reject a proposal by the Office of Management and Budget ("OMB") to change the budget treatment of highway, transit, highway safety and airport grant programs, which are all funded by contract authority. OMB proposes to no longer score contract authority as budget authority, but rather to score the obligation limitations that are imposed on these programs in annual appropriations acts as discretionary budget authority. This proposal would essentially convert the mandatory contract authority that currently funds these programs to a simple authorization of appropriations for budget scoring purposes.
- While the Views and Estimates reflect a bipartisan effort, the Committee emphasizes that not all Members of the Committee necessarily agree with every aspect of the report. Accordingly, the Committee reserves its flexibility to determine program needs and recognizes the potential for funding changes as the Committee and Congress work their will through the legislative process.

## Amendments

No amendments are expected at this time.